IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY THE FIFTH DAY OF DECEMBER

TWO THOUSAND AND SEVEN

: PRESENT:

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NOs : 6299 of 2005 & 16916 of 2005

W.P.No.6299/2005:

Between:

1 K. Janani, W/o. Sri. K. Satyanarayana,
2 M. Padmaja, W/o. Sri M. Adinarayana,
3 E M Geetha, W/o. Sri M V Kishore Kumar,
4 C H Kishore Kumar, S/o. C H Krishna,

..... Petitioners

AND

1 Bharat Sanchar Nigam Limited (Govt. of India Undertaking), Rep. by its Chief General Manager, Nampally Station Road, Hyderabad.
2 The Senior Architect, Bharat Sanchar Nigam Limited (Government of India Undertaking),Nampally Station Road, HYderabad.
3 The Architect, Department of Posts, 3rd Floor, GPO Buildings, Abids, Hyderabad.

.....Respondents

Whereas the Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order preferably in the nature of Writ of Mandamus and declare the action of the Respondents 1 to 2 in not paying the petitioners the pay scale attached to the post of JTO (Architecture) BSNL with effect from the date of our Absorption into BSNL i.e. 1-10-2000 with all consequential benefits as illegal and unconstitutional and consequently direct the Respondents 1 to 2 to forthwith to extend us the salary attached to our post i.e. JTO (Architecture) BSNL with all consequential benefits like arrears, bonus and other benefits as are given to the employees with penal interest.

W.P.No.16916 OF 2005

Between:

1. M. Padmaja, W/o. Sri M. Adinarayana,
2. E M Geetha, W/o. Sri M V Kishore Kumar,
3. C H Kishore Kumar, S/o. C H Krishna,

..... Petitioners

AND

1. Bharat Sanchar Nigam Limited (Govt. of India Undertaking), Rep. by its Chief General Manager, Nampally Station Road, HYderabad.
2. The Senior Architect, Bharat Sanchar Nigam Limited (Government of India Undertaking),Bholakpur, Secunderabad.
3. The Architect, Department of Posts, 3rd Floor, GPO Buildings, Abids, Hyderabad.
4. Bharat Sanchar Nigam Limited., (Govt. of India Undertaking) rep.by its Chairman and Managing Director, 20 Ashoka Road,

New Delhi.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order preferably in the nature of Writ of Certiorari and call for records pertaining to the impugned order No. TA/27-1/AP/Architect/2001) dated 18-7-2005 issued by the 1st respondent canceling the earlier Presidential Orders issued for absorption of the petitioners into BSNL as arbitrary, wholly without power or jurisdiction, illegal and unconstitutional and quash the same as such direct the respondents 1 to 2 to forthwith to extend us all the benefits attached to similarly placed BSNL Employees with all consequential.

..2..

These petitions coming on for hearing upon perusing the petitions and the affidavits herein and the order of the High court dated 23-10-2007 & 07-11-2007 made herein and upon hearing the arguments of Dr. K. Lakshmi Narasimha, Advocate for the Petitioners in both Writ Petitions and of Sri R.S. Murthy, Standing Counsel for BSNL for the respondents 1, 2 and 4 in both the Writ Petitions, the Court made the following

ORDER:

"Pursuant to the orders of this Court dated: 07-11-2007, Respondent No. 3 is proceed before the Court.

In view of the counter filed by Respondent No. 3, the warrant issued is recalled and the amount deposited is directed to be returned to her.

DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Commissioner of Police, Hyderabad City, Hyderabad (BY SPECIAL MESSENGER with a copy of petition and affidavit)
2. The Architect, Department of Posts, 3rd Floor, GPO Buildings, Abids, Hyderabad.
3. One C.C. to Dr. K.Lakshmi Narasimha, Advocate. (OPUC)
4. One C.C. to Sri R.S. Murthy, Advocate. (OPUC)
5. One spare copy

Ksv

HIGH COURT

NVR.J

DATE 05-12-2007

ORDER

W.P. Nos. 6299 & 16916 OF 2005

RECALLING THE BAILABLE WARRANTS ISSUED AGAINST THE RESPONDENT NO. 3